

\_\_\_\_\_ **First Published in the Derby Reporter on June 6, 2003**

**RESOLUTION NO. 03-268**

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 491, SOUTHWEST INTERCEPTOR SEWER, (SOUTH OF 37<sup>TH</sup> STREET NORTH, EAST OF TYLER) 468-83578**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 491, SOUTHWEST INTERCEPTOR SEWER, (SOUTH OF 37<sup>TH</sup> STREET NORTH, EAST OF TYLER) 468-83578**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **03-022** adopted on **January 7, 2003**, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Lateral 491, Southwest Interceptor Sewer, (south of 37<sup>TH</sup> Street North, east of Tyler) 468-83578**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Sixty Thousand Dollars (\$160,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2002**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**TYLER'S LANDING ADDITION**

Lots 1 through 16, Block A  
Lots 1 through 37, Block B  
Lots 1 through 28, Block C  
Lots 1 through 19, Block D  
Lots 1 through 3, Block E

**UNPLATTED TRACT "A"**

The west 450.00 feet of the W ½ of the NW ¼ of Sec. 33, Twp. 26-S, R-1-W of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, EXCEPT that part of said W ½ platted as Tyler's Landing Addition, Wichita, Sedgwick County, Kansas, all being subject to road rights-of-way of record.

### **UNPLATTED TRACT "B"**

The south 700.00 feet of the west 925.00 feet of the E ½ of the NW ¼ of Sec. 33, Twp. 26-S, R-1-W of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, except that part platted as Tyler's Landing Addition, Wichita, Sedgwick County, Kansas, TOGETHER with the south 310.00 feet of the E ½ of said NW ¼, except the west 925.00 feet thereof, TOGETHER with the south 310.00 feet of the west 215.30 feet of that part of the NE ¼ of said Sec 33 lying southwesterly of the Missouri Pacific Railroad right-of-way.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Lots 1 through 16, Block A; Lots 1 through 37, Block B; Lots 1 through 28, Block C; Lots 1 through 19, Block D; and Lots 1 through 3, Block E; TYLER'S LANDING ADDITION shall each pay 1/239 of the total cost of the improvements, UNPLATTED TRACT "A", shall pay 78/239 of the total cost of the improvements, and UNPLATTED TRACT "B" shall pay 58/239 of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq., as amended and supplemented, and K.S.A. 12-693.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, June 3, 2003.

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CARLOS MAYANS, MAYOR

ATTEST:

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PAT GRAVES, CITY CLERK

(SEAL)